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(2) in item 11, after sub-item (58), the following sub-items shall be added, namely:—

“(59) Tamil Nadu State Board for Salt and Allied Chemicals;

(60) Sub-committee to fix ex-mill and ex-depot prices of yarn produced in Co-operative Spinning Mills;

(61) State Level Advisory Committee for Co-operative Spinning Mills;

(62) Committee for selecting drama scripts and troupes on Family Planning.”

இணைப்பு V

[293 ஆம் பக்கத்தில் இனம் 4(5)க்கான அடிக்குறிப்பைக் காண்க.]

L. A. Bill 19 of 1974.

(As passed by the Assembly)

A Bill to provide for the control of production, distribution and sale of yarn and textiles with a view to protect handloom products.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Handloom Textiles (Protection, Production, Distribution and Sale) Act, 1975.

(2) It shall come into force on such date as the Government may, by notification, specify.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “cloth” means any fabric made either wholly from cotton, silk, artificial silk, man-made fibre or synthetic fibre, or from a mixture of any of these materials;

(b) “dealer” means a person carrying on the business of selling cloth, handloom products, yarn or dyes and chemicals, whether wholesale or retail and whether or not in conjunction with any other business.

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Explanation.—Any person producing cloth, handloom products, yarn or dyes and chemicals shall be deemed to be a dealer if such person sells cloth, handloom products, yarn or dyes and chemicals;

(c) “ Director ” means the Director of Handlooms and Textiles;

(d) “ Dyes and Chemicals ” means dyes and chemicals generally used in handloom industry and includes any other raw material used in such industry and notified by the Government;

(e) “ Government ” means the State Government;

(f) “ handloom ” means any loom other than a powerloom as defined in clause (j).

(g) “ handloom products ” means—

- (i) dhoties,
- (ii) sarees,
- (iii) lungies, sarongs and gamchās,
- (iv) chaddars and angavasthras,
- (v) bed sheets, blankets, bed covers, Carpets and counterpanes,
- (vi) low reed pick cloth,
- (vii) towels by any name whatsoever including turkey towels,
- (viii) handkerchiefs, napkins, table cloths and dusters,
- (ix) cloth of plain weave with warp or weft counts 8s and below,
- (x) crepe cloth, or
- (xi) any other variety of cloth notified by the Government in this behalf,

made either wholly from cotton, silk, artificial silk, man-made fibre or synthetic fibre, or from a mixture of any of these materials;

(h) “ manufacturer ” includes a producer or processor and the expression “ manufacture ” and its grammatical variants shall be construed accordingly;

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(i) "owner" in relation to handloom or powerloom means a person who, or the authority which has the ultimate control over the affairs of such loom and where the said affairs were entrusted to any person such person shall be deemed to be the owner of the handloom or powerloom;

(j) "powerloom" means a loom which is worked by power as defined in clause (g) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948) and includes any automatic loom;

(k) "processor" means a person other than a producer having both wet processing and mechanical equipments and engaged in any ancillary process subsequent to the production of cloth or yarn such as dyeing, bleaching, mercerising, embroidering, printing, raising, cloth embossing or finishing and the expression "process" and its grammatical variants shall be construed accordingly;

(l) "producer" means a person engaged in the production of cloth, yarn or dyes and chemicals by power as defined in clause (g) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948) and the expression "produce" and its grammatical variants shall be construed accordingly;

(m) "yarn" means any type of yarn, manufactured either wholly from cotton, silk, artificial silk, man-made fibre or synthetic fibre, or from a mixture of any of these materials and includes radiant yarn, staple fibre yarn, dyed yarn of any kind and zari.

3. *Handloom products not to be manufactured by powerlooms and composite mills.*—(1) No handloom product shall be manufactured by any powerloom or composite mill and such handloom product shall be manufactured only by handloom.

(2) Nothing in sub-section (1) shall apply to the manufacture of the handloom product by any powerloom or composite mill where such manufacture is exclusively for purposes of export out of the territory of the State or of India :

Provided that the manufacturer obtains the previous sanction of the Director for such manufacture :

Provided further that no manufacturer shall export out of the territory of the State or of India, such handloom product except by or through such agency as may be specified by the Government and subject to such conditions as may be prescribed.

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4. *Prohibition of sale of handloom products.*—No manufacturer or dealer shall sell or offer to sell any handloom product which has been manufactured whether within or outside the State by any powerloom or composite mill.

Explanation.—For the purposes of this section and section 9, the expressions “manufacture” and “dealer” shall be deemed to include any person employed by or acting on behalf of such manufacturer or dealer, as the case may be.

5. *Directions to be given to manufacturer.*—(1) The Director may, with a view to fulfil the requirements of handloom industry, from time to time, issue directions, in writing, to any manufacturer or class of manufacturers or manufacturers generally regarding—

(a) the classes or specifications of yarn or dyes and chemicals, as the case may be, which each manufacturer or class of manufacturers or manufacturers generally shall or shall not manufacture, or

(b) the maximum or minimum quantities thereof which such manufacturer, or class of manufacturers or manufacturers generally shall manufacture during such period as may be specified in the order :

Provided that in issuing the direction under this sub-section, the Director, shall have regard to—

(i) the demand for yarn or dyes and chemicals, as the case may be, by the handloom industry;

(ii) the needs of the general public;

(iii) the special requirements of the handloom industry for such yarn or dyes and chemicals; and

(iv) the capacity of the manufacturer or class of manufacturers or manufacturers generally, to manufacture different descriptions or specifications of yarn or dyes and chemicals, as the case may be;

(2) While issuing any direction under sub-section (1), the Director may also provide that such direction shall be with reference to the quantity of yarn or dyes and chemicals packed by

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the manufacturer, or class of manufacturers or manufacturers generally during the period referred to in clause (b) of that sub-section.

(3) Every manufacturer, or class of manufacturers or manufacturers generally, to whom a direction has been issued shall comply with the direction.

(4) Where, on an application made by any manufacturer or class of manufacturers or otherwise, the director is satisfied that any direction issued by him under this section will cause undue hardship or difficulty to any such manufacturer or class of manufacturers, he may, by order and for reasons to be recorded in writing, direct that the directions shall not apply, or shall apply subject to such modifications as may be specified in the order, to such manufacturer or class of manufacturers.

6. *Yarn to be packed*.—(1) No manufacturer of yarn shall sell or otherwise dispose of such yarn except in packed condition in the manner indicated below, namely :—

(i) full bale or package containing not less than 190 kilogrammes or not more than 210 kilogrammes of yarn; or

(ii) three-quarter bale or package containing not less than 142.5 kilogrammes or not more than 157.5 kilogrammes of yarn; or

(iii) half bale or package containing not less than 95 kilogrammes or not more than 105 kilogrammes of yarn; or

(iv) quarter bale or package containing not less than 47.5 kilogrammes or not more than 52.5 kilogrammes of yarn :

Provided that nothing in this sub-section shall apply to any manufacturer who sells or otherwise disposes of yarn in any other form under the authority of the Director.

Explanation.—For the purpose of this sub-section, bale or package includes bale or case of yarn in cones and cheeses but does not include seized beams or weft prints.

(2) The Director may, subject to sub-section (1), by general or special order, specify the manner in which any manufacturer shall pack yarn in bales or packages.

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(3) All yarn manufactured shall be packed in hanks, cones or in any other form, in such proportion as the Director may, by general or special order, direct and such manufacturer or class of manufacturers shall be bound to comply with such directions.

7. *Fixation of maximum price for yarn or dyes and chemicals and markings for yarn.*—(1) The Director may, after taking into consideration—

(a) the conditions prevailing in the handloom industry generally, and

(b) such other factors as may be prescribed, specify the maximum prices, ex-factory, whole-sale and retail, at which any class or specification of yarn or dyes and chemicals, as the case may be, may be sold, whether such yarn or dyes and chemicals have been manufactured within or outside the State.

(2) Notwithstanding anything contained in sub-section (1), the Government or an officer authorised by the Government in this behalf may fix the ex-factory maximum price in respect of any such type of yarn or dyes and chemicals, as the case may be, for which such price has not been specified by the Director under the sub-section.

(3) The Director may specify the markings to be made by a manufacturer or a dealer on any class or specification of yarn manufactured or sold by him and the time and manner of making such markings.

(4) Every marking specified by the Director under sub-section (3) with respect to count, denier or weight shall always be subject to the relevant limits of variations contained in the instructions, for the time being in force, issued by Central Government under section 95 of the Trade and Merchandise Marks Act, 1958 (Central Act 43 of 1958).

(5) A Court shall presume, unless the contrary is proved that the markings made on any yarn in the manner specified under this section are made in accordance with this Act and that the prices so marked when such prices are specified under sub-section (1) are the maximum prices specified under this section.

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8. *Markings to be made.*—Where the marking to be made and the time and manner of making it in respect of any class or specification of yarn have been specified under section 7,—

(a) the manufacturer of or, as the case may be, the dealer in, such yarn shall cause the marking to be made thereon at the time and in the manner specified;

(b) no person other than such manufacturer or dealer shall cause the marking to be made on any such yarn;

(c) no person shall have in his possession or under his control any yarn which is not so marked;

(d) no person shall alter or deface or cause or permit to be altered or defaced any marking made on any such yarn held by him;

(e) no person shall make on any yarn any marking resembling the prescribed marking;

(f) no person shall have in his possession or under his control, any yarn the marking whereon is altered or defaced or is of a character specified in clause (e).

9. *Prohibition of sale of yarn or dyes and chemicals in certain cases.*—Subject to such rules as may be made in this behalf, no manufacturer or dealer shall sell or offer to sell any yarn or dyes and chemicals at a price higher than the maximum price specified or determined in this behalf under section 7.

10. *Director to requisition yarn or dyes and chemicals.*—(1) The Director may, after taking into account the requirements of handloom industry, by an order in writing, require any manufacturer of, or a dealer in, yarn or dyes and chemicals to sell the whole or a specified part of the stock of yarn or dyes and chemicals to the Government or an officer or agent of the Government and in such circumstances as may be specified in the order and at the price specified for such yarn or dyes and chemicals under section 7.

(2) The Director shall distribute or cause to be distributed the yarn or dyes and chemicals procured under sub-section (1) to the handloom weavers exclusively in accordance with such rules as may be made in this behalf.

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11. *Fixing of maximum quantities which may be held or sold.*—The Government may, by notification, fix in respect of yarn or dyes and chemicals, as the case may be,—

(a) the maximum quantity which may, at any one time, be possessed by a manufacturer or dealer, and

(b) the maximum quantity which may, in any one transaction, be sold or agreed to be sold or offered for sale to any person.

12. *Restriction on possession, sale, etc., of yarn or dyes and chemicals where maximum is fixed under section 11.*—No manufacturer or dealer shall—

(a) have in his possession at anyone time the quantity of any yarn or dyes and chemicals, as the case may be, exceeding the maximum fixed by the Government under clause (a) of section 11; or

(b) sell or agree to sell or offer for sale to any person in any one transaction, quantity of any such yarn or dyes and chemicals, exceeding the maximum fixed by the Government under clause (b) of section 11.

13. *Power of Director to order sale.*—The Director may, by order in writing, direct any manufacturer or dealer—

(a) to sell to any specified person any specified quantity of yarn or dyes and chemicals, as the case may be, as may be specified in the order; or

(b) not to sell, except to such person as the Director may, in the order or otherwise specify any such yarn or dyes and chemicals, as the case may be, for such period not exceeding the prescribed period as may be specified in the order.

14. *Handlooms to be registered.*—(1) For the purposes of this Act, every person who is the owner of a handloom on the date of the commencement of this Act, and every person who becomes the owner of a handloom after such date, shall within such period as may be prescribed, make an application to the Director or to any person authorised by him in this behalf, for the grant of a certificate of registration of the handloom specified in the application.

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(2) Every application under sub-section (1) shall be in the prescribed form and shall contain—

- (i) the particulars regarding the location of the handloom,
- (ii) the size and the type thereof,
- (iii) the name of the owner of the handloom,
- (iv) the names of persons engaged in the operation of such handloom, and
- (v) such other particulars as may be prescribed.

(3) The Director may, after making such enquiry as he deems fit and after taking into consideration the availability of yarn, grant a certificate of registration in respect of the handloom specified in the application.

(4) Notwithstanding anything contained in sub-section (3), where an application is made in respect of a handloom in existence on the date of the commencement of this Act, the Director shall grant a certificate of registration in respect of such handloom.

15. *Powerlooms to be registered.*—(1) For the purposes of this Act, every person who is the owner of a powerloom on the date of the commencement of this Act, and every person who becomes the owner of a powerloom after such date, shall within such period as may be prescribed, make an application, to the Director or to any person authorised by him in this behalf, for the grant of a certificate of registration of the powerloom specified in the application.

(2) Every application under sub-section (1) shall be in the prescribed form and shall contain—

- (i) the particulars regarding the location of the powerloom,
- (ii) the size and type thereof.
- (iii) the name of owner of the powerloom,
- (iv) the names of persons engaged in the operation of such powerloom, and
- (v) such other particulars as may be prescribed.

(3) The Director may, after making such enquiry as he deems fit and after taking into consideration the availability of yarn, grant a certificate of registration in respect of the powerloom specified in the application.

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(4) Notwithstanding anything contained in sub-section (3), where an application is made in respect of a powerloom in existence on the 1st September 1972, the Director shall grant a certificate of registration in respect of such powerloom.

16. *Enquiry to be made for the purpose of the Act.*—(1) The Director may, for the purpose of determining what steps would be necessary for maintaining or increasing supplies of yarn or dyes and chemicals, conduct or cause to be conducted, such enquiry as he may deem appropriate in relation to any manufacturer.

(2) For the purpose of conducting the inquiry under sub-section (1), the Director may,—

(a) require any such manufacturer or any person connected with the business of such manufacturer to give such information in his possession relating to the business carried on by such manufacturer;

(b) inspect or cause to be inspected any books or documents belonging to such manufacturer which are under his custody or under the custody of any other person and for that purpose require the manufacturer or such other person to produce such books or documents; and

(c) enter and search or authorise any officer subordinate to him to enter and search any business premises belonging to any such manufacturer.

(3) Every manufacturer or other person who is required to give any information or produce any books or documents under sub-section (2) shall comply with such requisition.

17. *Power to require information.*—(1) The Director may, with a view to securing compliance with this Act,—

(a) require any person to give such information in his possession with respect to any business carried on by that or any other person;

(b) require any person, in writing to furnish samples of any article to which this Act applies;

(c) inspect or cause to be inspected any books or other documents belonging to or under the control of any persons;

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(d) enter and search or authorise any person to enter and search any premises and seize or authorise any person to seize—

(i) any powerloom yarn or dyes and chemicals in respect of which he has reason to believe that a contravention of this Act has been committed;

(ii) any package, covering or receptacle in which such yarn or dyes and chemicals is found;

(iii) any animal, vehicle, vessel or other conveyance used in carrying such powerloom, yarn or dyes and chemicals; and

(iv) any other article in the premises which he has reason to believe has been or is intended to be used in connection with such contravention.

(2) Every person who is required to give any information or furnish samples or produce any books or other documents under sub-section (1) shall comply with such requisition.

(3) The provisions relating to searches and seizures in any law relating to Criminal Procedure shall, so far as may be, apply to searches and seizures under this section.

18. *Confiscation of powerloom, yarn or dyes and chemicals, etc.*—Subject to the provisions of section 22, where any powerloom, yarn or dyes and chemicals, any package, covering or receptacle and any animal, vehicle, vessel or other conveyance is seized under section 17 it shall be produced without any unreasonable delay before the Director, and the Director, if satisfied that there has been a contravention of the provisions of the Act, may order confiscation of such powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or other conveyance so seized.

19. *Issue of show-cause notice before confiscation.*—No order confiscating any powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be made under section 18, unless the owner of such

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powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or other conveyance or the person from whom it is seized—

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or other conveyance;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

20. *Appeal*.—(1) Any person aggrieved by an order of confiscation under section 18, may, within one month from the date of the communication to him of such order, appeal to the Government and the Government shall, after giving an opportunity to the appellant to be heard, pass such order as they may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 18 is modified or annulled by the Government and it is not possible for any reason to return the powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or other conveyance seized, such person shall be paid the price thereof as if the powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or other conveyance had been sold to the Government with reasonable interest calculated from the day of seizure.

(3) The price referred to in sub-section (2) shall be the maximum retail price, if any fixed for yarn or dyes and chemicals, by the Director under section 7 and where no such maximum price has been fixed, at the reasonable price. The price to be paid for sale in respect of any other article, animal, vehicle, vessel or other conveyance shall be the reasonable price on the day of seizure.

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21. *Award of confiscation not to interfere with other punishments*—The award of any confiscation under this Act, by the Director shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

22. *Disposal of seized article, animal, etc.*—(1) Where an officer seizing any powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or other conveyance under section 17 believes that the production of such articles, animal, vehicle, vessel or other conveyance, as the case may be, before the Director under section 18 will cause unreasonable delay, the said officer may in the interest of the general public, sell such articles, animal, vehicle, vessel or other conveyance, as the case may be, so seized to the Government or to an agent of the Government authorised in this behalf.

(2) The price to be paid for the sale referred to in sub-section (1) shall be the maximum retail price, if any, fixed for yarn or dyes and chemicals by the Director under section 7, and where no such maximum price has been fixed, at the reasonable price. The price to be paid for the sale in respect of any other article, animal, vehicle, vessel or other conveyance shall be the reasonable price on the day of seizure.

(3) The proceeds of the sale shall be deposited by the officer referred to in sub-section (1) in Government account and such proceeds shall be disposed of in accordance with the provisions of sub-section (4).

(4) The provisions of section 18, section 19 and section 20 relating to confiscation of powerloom, yarn or dyes and chemicals, any package, covering or receptacle and any animal, vehicle, vessel or other conveyance shall, so far as may be, apply in relation to the proceeds of sale referred to in sub-section (3) as they apply in relation to such powerloom, yarn or dyes and chemicals, package, covering, receptacle, animal, vehicle, vessel or any other conveyance produced before the Director under section 18 and for the purposes of the amount of payment, under sub-section (2) of section 20, the amount shall be the total proceeds of sale referred to in sub-section (3)

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23. *Power to conduct tests.*—(1) For the purpose of enforcing the provisions of this Act, the Director may direct such officer as he deems fit to carry out or cause to be carried out such tests in relation to any cloth, yarn or dyes and chemicals as may be specified by him.

(2) Where any direction is issued under sub-section (1), the officer concerned shall make a report under his hand to the Director in respect of any tests so carried out and any such report may be used as evidence in any trial for contravention of any of the provisions of this Act.

24. *Information not to be withheld.*—No person shall, with intent to evade the provisions of this Act, refuse to give any information lawfully demanded from him under section 17 or conceal, destroy, mutilate or deface any book or other document kept by him in the course of his business.

25. *Powers of revision of High Court.*—(1) Any person aggrieved by an order passed or proceeding recorded under this Act by the Director may, within such period as may be prescribed file an application for revision of such order or proceeding to the High Court.

(2) An application for revision shall be in the prescribed form and shall be verified in the prescribed manner.

(3) On admitting an application for revision, the High Court may call for and examine the record of the order or proceeding against which the application has been preferred and may pass such order thereon as the High Court thinks fit.

(4) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.

26. *Penalties.*—(1) If any manufacturer or dealer contravenes any direction issued by the Director or the Government under this Act or contravenes the provisions of sections 3, 4, 6, 8, 9, 12, 13 or 24 or any other provision of this Act fails to comply with a requisition issued under section 10, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

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(2) If any person (other than the manufacturer or dealer) contravenes any direction issued by the Director or the Government under this Act, or contravenes any of the provisions of this Act, he shall be punishable with imprisonment for a term which may extend to one year or with fine.

(3) If any person owns or possesses a handloom without getting a certificate of registration in respect of such handloom under section 14, he shall be punishable with fine.

(4) If any person owns or possesses a powerloom without getting a certificate of registration in respect of such powerloom under section 15, he shall be punishable with fine.

(5) Any property in respect of which any of the provisions of this Act has been contravened or such part thereof as the Court may seem fit including any package, coverings or receptacles in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the property, shall be forfeited to the Government:

Provided that if the Court is of opinion that it is not necessary to direct forfeiture in respect of the whole, or, as the case may be, any part of the property or any packages, coverings or receptacles or any animal, vehicle, vessel or other conveyance, it may, for reasons to be recorded, refrain from doing so.

(6) Any powerloom used for the manufacture of handloom product in contravention of the provisions of this Act, shall be forfeited to the Government by the Court.

(7) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of cloth, yarn or dyes and chemicals the Court by which such person is convicted shall, in addition to any penalty which may be imposed on him under that sub-section, by order, direct that that person shall not carry on any business in cloth, yarn or dyes and chemicals for such period, not being less than six months, as may be specified by the Court in the order.

(8) Where a person having been convicted of an offence under sub-section (3) or (4) is again convicted for the same offence under that sub-section, the court by which such person is convicted shall,

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in addition to the penalty which may be imposed on him under that sub-section by order, direct the forfeiture of the handloom or the powerloom as the case may be.

27. *Attempts and abetments.*—Any person who attempts to contravene, or abets a contravention of any of the provisions of this Act shall be deemed to have contravened those provisions.

28. *False statements.*—If any person—

(i) when required by the Director or any person authorised in this behalf under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by or under this Act to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to five years or with fine, or with both.

29. *Offences by companies.*—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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Explanation.—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

30. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code (Central Act XLV of 1860).

31. *Burden of proof in certain cases.*—Where a person is prosecuted for contravening any of the provisions of this Act which prohibits him from doing any act or being in possession of a thing without lawful authority or document, the burden of proving that he has such authority or document shall be on him.

32. *Protection of action taken under this Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

33. *Power to try summarily.*—(1) If the Government is of opinion that a situation has arisen, where in the interests of production, supply or distribution of any handloom product, yarn or dyes and chemicals it is necessary that the contravention of any of the provisions of this Act or any direction, requisition issued by the Director under any of the provisions of this Act in relation to handloom product, yarn or dyes and chemicals shall be tried summarily, the Government may by notification, specify such provisions to be special provisions for the purpose of summary trial under this Act:

Provided that every such notification issued shall, unless sooner rescinded, cease to operate at the expiration of two years after the publication of such notification:

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Provided further that nothing in the foregoing proviso shall affect any case relating to the contravention of a special provision specified in any such notification if proceedings by way of summary trial have commenced before that notification is rescinded or ceased to operate and the provisions of this section shall continue to apply to that case as if that notification had not been rescinded or had not ceased to operate.

(2) Where any notification issued under sub-section (1) in relation to a special provision is in force, then, notwithstanding anything contained in any law relating to Criminal Procedure, all offences relating to the contravention of such special provision shall be tried in a summary way and by a magistrate, specially empowered in this behalf by the High Court, and the provisions of such law relating to summary trial shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year.

(3) Notwithstanding anything to the contrary contained in any law relating to Criminal Procedure, there shall be no appeal by a convicted person in any case tried summarily under this section in which the magistrate passes a sentence of imprisonment not exceeding one month or of fine not exceeding two thousand rupees, or both, whether or not any order of forfeiture of property or an order under such law is made in addition to such sentence, but an appeal shall lie where any sentence of imprisonment or fine in excess of the aforesaid limits is passed by the magistrate.

(4) Where any notification is issued under sub-section (1) in relation to a special provision, all cases relating to the contravention of such special provision and pending on the date of the issue of such notification shall, if no witnesses have been examined before the said date, be tried in a summary way under this section, and if any such case is pending before a magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a magistrate so competent.

34. *Delegation of powers of Director.*—The Government may, by notification, direct that the powers exercisable by the Director under this Act or the rules made thereunder shall, in relation

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to such matters and subject to such conditions as may be specified in such notification, be exercised also by such officer or authority subordinate to the Government as may be specified in the notification.

35. *Effect of other laws.*—Any provision of the Essential Commodities Act, 1955 (Central Act 10 of 1955), or any order made or deemed to have been made under that Act, or the Cotton Textiles (Control) Order, 1948, or any instrument having or deemed to have effect by virtue of that Act or any rule made or deemed to have been made under that Act, shall, cease to apply to the matters dealt with in this Act.

36. *Bar of jurisdiction of Civil Courts.*—Except as otherwise provided in this Act, no civil court shall have jurisdiction [including jurisdiction under the Specific Relief Act, 1963 (Central Act 47 of 1963)] to decide or deal with any question which is by or under this Act required to be decided or dealt with by the Director, Government or other authority.

37. *Article deemed to be in possession of a person in certain cases.*—An article shall be deemed to be in the possession of a person when it is held on behalf of that person by another person or when held by that person on behalf of another person.

58. *Power to make rules.*—(1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the manner of service of directions and orders under this Act;

(c) the obtaining of the particulars necessary for fixing the prices of yarn and dyes and chemicals.

(3) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

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(4) All notifications issued under this Act, shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued under this Act, shall as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

இணைப்பு VI

[303 ஆம் பக்கத்தில் இனம் 4 (6)-க்கான அடிக்குறிப்பைக் காண்க.]

L.A. Bill No. 13 of 1974.

(As passed by the Assembly.)

A Bill further to amend the Tamil Nadu Occupants of Kudiyruppu (Conferment of Ownership) Act, 1971.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Occupants of Kudiyruppu (Conferment of Ownership) Amendment Act, 1975.

(2) It shall be deemed to have come into force on the 24th December 1971.

2. *Amendment of section 2, Tamil Nadu Act 40 of 1971.*—In section 2 of the Tamil Nadu Occupants of Kudiyruppu (Conferment of Ownership) Act, 1971 (Tamil Nadu Act 40 of 1971) (hereinafter referred to as the principal Act)—

(a) in clause (8), the Explanation shall be numbered as